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OFFICE OF PETITIONS

In re Application of :
Angela Hui et al. :
Application No. 10/032,757 :
Filed: December 27, 2001 :
Attorney Docket Number: :
G0728/2236P :
Title: METHOD AND SYSTEM FOR :
FORMING DUAL GATE STRUCTURES IN :
A NONVOLATILE MEMORY USING A :
PROTECTIVE LAYER :

DECISION ON PETITION UNDER
37 C.F.R. §3.81(B)

This is a decision on the petition under 37 C.F.R. §1.182, filed May 26, 2005, which is properly treated as a petition pursuant to 37 C.F.R. §3.81(b)¹, to correct the Assignee's information on the Issue Fee Transmittal Form PTOL-85(b).

Petitioner states that a typographical error appears on form PTOL-85(b), and that an assignee's name was not listed properly.

37 CFR 3.81(b), effective June 25, 2004, reads:

(b) After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in 3.11 before issuance of the patent, and must include a request for a certificate of correction under 1.323 of this chapter (accompanied by the fee set forth in 1.20(a)) and the processing fee set forth in 1.17(i) of this chapter.

¹ See Official Gazette, June 22, 2004.

The present request under 37 CFR 3.81(b) was not accompanied by either a request for a certificate of correction (and fee) as required by 3.81(b), or a copy of the notice of recordation of the assignment document. As petitioner has failed to comply with the provisions of this title, the request cannot be granted.

Hence, the petition is **DISMISSED**.

It is not clear if the assignment was submitted for recordation as set forth in 37 C.F.R. §3.11 before the issuance of this patent. Therefore, on renewed petition, Petitioner should submit the reel and frame number for this recordation, as well as the request for a certificate of correction and the appropriate fees (\$130 and \$100).

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. 3.81(b)". This is not a final agency action within the meaning of 5 U.S.C 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanowski, and may be submitted by mail², hand-delivery³, or facsimile⁴.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence unless a Change of Correspondence Address Form (PTO/SB/122) is

2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

3 Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

4 (571) 273-8300 - please note this is a central facsimile number.

submitted for the above-identified application. A blank Change of Correspondence Address Form (PTO/SB/122) may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.



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